



Paper No. 16

Merchant & Gould, PC
PO Box 2903
Minneapolis, Minnesota 55402-0903

COPY MAILED

SEP 26 2001

OFFICE OF PETITIONS

In re Application of
Yao, Sundar, Wang, Ku
Application No. 09/899,597
Filed: July 5, 2001
Attorney Docket No. SEA2655/2087

ON PETITION

This is a decision on the "Petition to Accept New Declaration Under 37 CFR 1.64(a) and 37 CFR 1.47(a) filed May 11, 2001. The petition under 37 CFR 1.64(a) shall be treated as a petition under 37 CFR 1.182 to withdraw the previously filed declaration and as a petition under 1.183 to waive the requirements of 37 CFR 1.67.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.183 is **GRANTED**.


The petition under 37 CFR 1.47(a) is **MOOT**.

The instant petition was filed on May 11, 2001, after petitioner realized that the originally filed declaration incorrectly claimed priority to provisional application 60/078,625. In the instant petition, petitioner requests that this error be corrected by the acceptance of the declaration filed with the instant petition. It is noted, however, that petitioner alleges that petitioner was unable to obtain the signature of inventor Ku on the new declaration and has, therefore, filed a petition under 37 CFR 1.47(a) accordingly.

In accordance with 37 CFR 1.182, the declaration originally filed will be withdrawn and replaced by the new declaration filed May 11, 2001. Pursuant to 37 CFR 1.183, the requirements of 37 CFR 1.67 will be waived and the signatures as provided on the originally filed declaration will be applied to the new declaration filed as no substantive attestations made by the inventors were affected by the correction to the priority data. The petition under 37 CFR 1.47(a) is, therefore, moot.

The file is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter may be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.


Kenya A. McLaughlin
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy